

FILED

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

2009 FEB 12 PM 1:44

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

DONNIE WILKES and THERESA WILKES,)
)
Plaintiffs,)
)
V.)
)
)
AMERICAN NATIONAL PROPERTY AND)
CASUALTY COMPANIES,)
)
Defendant.)

Case No. 3 09 0146

US District Judge: JUDGE WISEMAN

Magistrate: JUDGE KNOWLES

Jury Demand

NOTICE OF REMOVAL OF CIVIL ACTION

Comes now the Defendant, American National Property and Casualty Companies (hereinafter referred to as "ANPAC"), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and hereby gives Notice of Removal of this Civil Action from the Circuit Court for Montgomery County, Tennessee, to the United States District Court for the Middle District of Tennessee, Nashville Division, and states as follows:

1. On or about November 7, 2008, Plaintiffs, Donnie Wilkes and Theresa Wilkes, filed a Complaint against American National Property and Casualty Companies in the Nineteenth Judicial District of Tennessee, Circuit Court of Montgomery County, at Clarksville, under File Number MC CC CV 00 08 1296, (a copy of which is attached hereto as "Exhibit A".)

2. On January 14, 2009, Brenda C. Meade, a designated agent for service of process with the Department of Commerce and Insurance, received service of the Complaint. Subsequent thereto, a copy of the Complaint was sent to American National Property and Casualty

Company No proceedings on the Complaint have transpired in the Montgomery County Circuit Court.

3. In a case such as this one, the U. S. District Court has jurisdiction "where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between – (1) citizens of different States;" 28 U.S.C. § 1332(a).

4. The Plaintiffs, Donnie Wilkes and Theresa Wilkes, are, and were at all times relevant to this action, residents and citizen of Montgomery County, Tennessee.

5. ANPAC is incorporated in Springfield, Missouri, with its principal place of business in Springfield, Missouri, and is licensed and authorized to do business in the State of Tennessee

6. The Complaint filed by Plaintiffs, Donnie Wilkes and Theresa Wilkes, seeks damages related to the alleged breach of contract for insurance, demanding compensation for the actual cash value of the structure; the actual cash value of all personal property contained in the structure; the loss of use of the structure; necessary expenses including, but not limited to, debris removal, loss of trees, shrubs, plants, and lawns; alleging damages pursuant to the bad faith provisions of the Tennessee Code; ultimately culminating in an ad damnum of five hundred thousand dollars (\$500,000.00), exclusive of interest and costs.

7. There is a complete diversity of citizenship between Plaintiffs, Donnie Wilkes and Theresa Wilkes, and Defendant, American National Property and Casualty Companies, and the amount in controversy in this case, exclusive of interests and costs, clearly exceeds the Seventy-Five Thousand and 00/100 Dollar (\$75,000.00) threshold. This Court has original jurisdiction of this case pursuant to 28 U.S.C. § 1332.

8. American National Property and Casualty Companies has filed a copy of this Notice with the Circuit Court for Montgomery County, Tennessee, and has also served a copy on the attorney for the Plaintiffs, Donnie Wilkes and Theresa Wilkes, Mart G. Fendley.

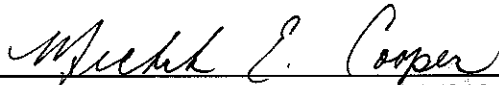
9. Counsel for American National Property and Casualty Companies, Michele E. Cooper, is duly licensed to practice in the United States District Court for the Middle District of Tennessee, and is an attorney in good standing with the Middle District

WHEREFORE, Defendant, American National Property and Casualty Companies, requests this action be removed from the Circuit Court for Montgomery County, Tennessee, to the United States District Court for the Middle District of Tennessee, Nashville Division.

We respectfully demand a jury of six (6) to hear this matter.

Respectfully submitted,

MILLS & COOPER



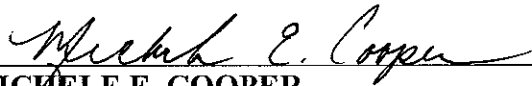
MICHELE E. COOPER, BPR # 17312
5042 Thoroughbred Lane, Suite A
Brentwood, TN 37027
(615) 221-8218

**ATTORNEY FOR DEFENDANT,
AMERICAN NATIONAL PROPERTY
AND CASUALTY COMPANIES**

CERTIFICATE OF SERVICE

I hereby certify on this, the 12th day of February, 2009, a true and exact copy of the foregoing was sent via first class mail, postage prepaid, to the following:

**Mart G. Fendley
Attorney for Plaintiffs
The Poston Building
128 Public Square
Clarksville, TN 37040-3443**



MICHELE E. COOPER